

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

LOIS BROOKS,

**MEMORANDUM AND ORDER**

15 Cr. 243-1 (NRB)

Defendant.

-----X  
**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

Lois Brooks moves pro se for compassionate release from FCI Danbury, where she is serving a 48-month term of imprisonment for conspiring to commit sex trafficking of a minor and using interstate commerce to promote unlawful activity. Ms. Brooks, who is 34 years old, argues that her diabetes, in the setting of FCI Danbury during the COVID-19 pandemic, warrants her release. The Government opposes Ms. Brooks' motion.

Ms. Brooks moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), which permits a court to "reduce a term of imprisonment" if, after considering the factors set forth in 18 U.S.C. § 3553(a), "it finds that . . . extraordinary and compelling reasons warrant such a reduction . . . and that such a reduction is consistent with applicable policy statements issued by the

Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A).<sup>1</sup>

The Government acknowledges that Ms. Brooks' diabetes is a risk factor for serious illness from COVID-19, and, on that basis, concedes that her diabetes is an "extraordinary and compelling reason[]" for reducing her sentence under 18 U.S.C. § 3582(c)(1)(A). The Government nonetheless argues that the Court should not reduce Ms. Brooks' sentence on the ground that the factors set forth in 18 U.S.C. § 3553(a) counsel against doing so.

The Court has learned through the United States Probation Office for the Southern District of New York that Ms. Brooks is scheduled to enter the residential reentry program on September 8, 2020. The Court finds that Ms. Brooks' placement in that program just six weeks from today adequately addresses the heightened risk she faces in FCI Danbury while respecting the factors set forth in 18 U.S.C. § 3553(a), which counsel against reducing Ms. Brooks' sentence to time served.

Ms. Brooks' motion for compassionate release is accordingly

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<sup>1</sup> Section 3582(c)(1)(A)(i) permits a court to reduce a defendant's sentence only "upon motion of the Director of the Bureau of Prisons" or "upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." 18 U.S.C. § 3582(c)(1)(A). The warden of FCI Danbury denied Ms. Brooks' request that the BOP move for compassionate release on her behalf on May 22, 2020. Accordingly, more than 30 days have elapsed since Ms. Brooks made that request, and her motion for compassionate release is procedurally ripe for resolution.

denied.

**SO ORDERED.**

Dated: New York, New York  
July 29, 2020

  
Naomi Reice Buchwald  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Copy to:

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